

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board  
Office of Local Assistance, (MS 25)  
1001 I Street  
PO Box 4025  
Sacramento CA 95812-4025

### General Instructions:


For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

#### Section I: Jurisdiction Information and Certification

*All respondents must complete this section.*

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name City of Fresno		County Fresno	
Authorized Signature <i>for</i>  Martin McIntyre		Title Director, Public Utilities Department	
Type/Print Name of Person Signing Martin McIntyre	Date 1/27/05	Phone (559) 621-8600	
Person Completing This Form (please print or type) Sally Lopez		Title Recycling Coordinator	
Phone (559) 621-1882	E-mail Address Sally.Lopez@fresno.gov	Fax (559) 266-1009	
Mailing Address 1325 E El Dorado	City Fresno	State CA	ZIP Code 93706

## Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

### 1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

### 2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested \_ 18 months \_

Is this a second request? ☐ No ☒ Yes Specific years requested. through 12/2005

(Note: Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested \_ %, for the years \_

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested \_ %, for the years \_

(Note: Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

**Note:** Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

### **Section IIIA—TIME EXTENSION**

**Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.**

*Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).*

- 1. Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

See attached

- 2. Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.**

See attached

- 3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.**

See attached

- 4. Provide any additional relevant information that supports the request.**

See attached

### **Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT**

**Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.**

*Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).*

**1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

**2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?**

**3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.**

**4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.**

## Section IV A—PLAN OF CORRECTION

**A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.**

*Attach additional sheets if necessary.*

Residential %		55.0 %	Non-residential %		45.0 %
PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
Please use the Board's Program Types. The Program Glossary is online at:  www.ciwmb.ca.gov/ LGCentral/PARIS/Codes/ Reduce.htm					
2030-RC-OSP	Expand	Existing Recycling program, with Proposed Expansion to the Multi-Unit/Commercial and Industrial sectors of the community: Out of the 8,000 commercial locations, staff has completed 5,000 waste audits and has established 1,100 recycling programs. Staff proposes to revisit and offer recycling services to locations that were declined by the customer. Staff will complete site visits to the remaining 3,000 locations which includes multi-unit, commercial and industrial locations and provide recycling opportunities that are tailored for each specific location. Staff will work with Property Management Firms and Large Waste Generators - initiate site visits to all multi-unit, commercial and industrial locations and provide green waste recycling opportunities that are tailored for each specific location.	Solid Waste Rates	6/30/2005	3%
6020-PI-ORD	On-going	Continue to implement a Construction and Demolition (C&D) Program as identified in the first 1066 Plan of Correction: Adopt a City ordinance requiring a minimum of 85% diversion, depending on the type of construction and demolition project. Promote all C&D facilities within the community. Establish an aggressive marketing campaign to educate residents. Private entities currently divert approximately 60% of the City's C&D material. Staff anticipates that the implementation of a city-wide ordinance will allow for the diversion of this material to increase up to 85%/90%.	Solid Waste Rates	12/31/1/05	3.5%
First 1066 Request- (percentages shown for the three remaining programs are the remaining percentages left to be realized from the full impact of these programs. Full diversion potential was not realized in the last time extension due to delayed implementation)	Resdntial Curbside	For the programs listed under "First 1066 Request", these programs will see their full diversion potential within the life of the second 1066 request. In the column to the right.	Solid Waste Rates	Completed 9/2004	4.7%
	Resident Curbside Green Waste Collection	diversion potential is listed for each program. This potential diversion can be added to the new and expanded program diversion listed in the second 1066 request.	Solid Waste Rates	Completed 6/2004	8.3%

		<b>Total Estimated Diversion Percent From New and/or Expanded Programs</b>	21.0%
		<b>Current Diversion Rate Percent From Latest Annual Report</b>	29.0%
		<b>Total Planned Diversion Percent Estimated</b>	50.0 %
<b>PROGRAMS SUPPORTING DIVERSION ACTIVITIES</b>			
<b>PROGRAM TYPE</b>	<b>NEW or EXPANDED</b>	<b>DESCRIPTION OF PROGRAM</b>	<b>DATE FULLY COMPLETED</b>
Waste Origin Dispute		City staff will work with County staff to identify # of tons	Completed 12/31/05
5010-ED-PRN	On-going	<p>Marketing of Programs: Development of an extensive media campaign to educate all residents regarding recycling and increase awareness of which materials are acceptable through the City's recycling and green waste programs and through other recycling programs.</p> <p>The city's current public information campaign includes brochures and direct mail. Numerous brochures and flyers have been updated and will be issued by City staff to promote various recycling programs. Items have been printed in English, Spanish, Cambodian, Hmong, Laotian and Vietnamese. The education program will be a focus during the extension period.</p> <p>1) Establish a Billboard Hall of Fame for Successful Recycling programs</p> <p>2) Coordinate Business Recycling Awards with State WRAP awards</p> <p>3) Establish Golden Trash Awards for all recycling participants.</p>	Continuous
Waste Generation Study	NEW	<p>Solid Waste Generation Study: Staff proposes to perform a Solid Waste Generation Study to update the studies completed in 1993 and 1995, in order to address the current status of diversion and disposal for 2005 as compared to the earlier data. The study will address: (1) quantities of waste disposed, (2) origin of waste, (3) type of waste, (4) determine a more accurate allocation of base-year tonnages and revise base-year predicated on study results. The study will assist staff to review and update recycling activities at a program level. The study will also assist the City in establishing reporting requirements for diversion quantities, though a permit process from all recycling entities within the City sphere of influence.</p>	2 year study
5010-ED-PRN&5030-ED-SCh	Expanded	<p>The City will continue to provide commercial property locations with waste audits, brochures and proposals for recycling opportunities. Brochures will be developed to hand out to the public regarding Construction and Demolition recycling opportunities.</p> <p>City will continue to work with Fresno, Clovis and Central Unified School Districts to provide education presentations to all 100,000+ students within the community. Additionally, staff will continue to work with community based event coordinators to assist with the planning and coordination as well as staff outreach booths in order to provide informational material to the general public regarding the many established recycling opportunities within the community.</p>	<p>Continuous</p> <p>Continuous</p>

5020ED OUT	Expanded	The City will continue to educate the residents by participating and hosting several education booths at outreach events. Additionally the staff will work with business through workshops, educational materials and visits to educate them on the many recycling opportunities within the community.	Continuous
		The City will provide residents with information on the efforts to reduce contamination of recycling materials from the curbside collection program. Our goal is to impact the amount of residual disposed of by our recycling contractor.	Continuous
		City will continue to provide educational materials, collection and disposal of and program containers for the used motor oil and oil filter curbside recycling programs.	Continuous
		As part of the C&D Ordinance, city staff will include in the current Web pages, an extensive C&D educational website to assist contractors and developers in complying with the ordinance. Additionally, City will provide a packet at the building permit counter to all applicants, and assist its applicants through meetings, when requested, to understand and guide them on how and what is acceptable to recycle.	Continuous
6010-PI-PLB	Expanded	City continues to provide a 30% price reduction to provide recycling services to all commercial locations.	continuous

## Section IV B—GOAL ACHIEVEMENT

**Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.**

*Attach additional sheets if necessary..*

Residential %		Non-residential %			
PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
Please use the Board's Program Types. The Program Glossary is online at: <a href="http://www.ciwmb.ca.gov/LG/Central/PARIS/Codes/Reduce.htm">www.ciwmb.ca.gov/LG/Central/PARIS/Codes/Reduce.htm</a>					
		Total Estimated Diversion Percent From New and/or Expanded Programs			
		Current Diversion Rate Percent From Latest Annual Report			
		Total Planned Diversion Percent Estimated			

## PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED



**Section V – PARIS**

**Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.**

*Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at [www.ciwmb.ca.gov/LGCentral/PARIS/](http://www.ciwmb.ca.gov/LGCentral/PARIS/).*

City of



**REPORT TO THE CITY COUNCIL**

November 9, 2004

AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

FROM: MARTIN R. MCINTYRE, Director of Public Utilities

SUBJECT: APPROVE THE PREPARATION AND SUBMITTAL OF A SECOND TIME EXTENSION, AS PROVIDED FOR UNDER SENATE BILL 1066, REQUESTING THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO ALLOW THE CITY OF FRESNO THE REMAINING EIGHTEEN MONTHS TO ACHIEVE THE REQUIRED 50 PERCENT SOLID WASTE DIVERSION REQUIREMENT OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT

**RECOMMENDATIONS**

Staff recommends Council approve the attached Second Correction Plan which will be submitted with the AB939/SB1066 Time Extension request for the extension from July 1, 2004 through December 31, 2005.

**EXECUTIVE SUMMARY**

- Assembly Bill 939 (AB939), the California Integrated Waste Management Act of 1989, required cities and counties to prepare various solid waste planning documents and implement programs to reduce waste going to landfills by 50% by the year 2000.
- SB1066 allows jurisdictions time extensions of up to five years from January 2001 to December 31, 2005 to comply with AB939 50% landfill diversion requirements.
- The second correction plan demonstrates meeting the required 50% before the time extension expires on December 31, 2005.
- Failure to adopt and implement the Correction Plan will expose the City to a Compliance Order which may incur fines of up to \$10,000 per day.

**BACKGROUND**

Acknowledging that many cities would be unable to comply timely, the legislature adopted Senate Bill (SB1066), which allows time extensions of up to five years from January 2001.

The City's first correction plan expired on June 30, 2004. The City was successful in completing and implementing five out of the nine elements of the plan. Of the remaining four elements, the City has completed over 50% and staff continues to implement tasks associated with its first Plan of Correction. The three-cart source separation program and other program enhancements have increased the diversion credit for the City to

**REPORT TO THE CITY COUNCIL**  
**November 9, 2004**  
**Page 2**

approximately 31%; however, it still falls short of the 50% goal. The City will be requesting a second time extension to meet the 50% diversion requirement.

The new plan identifies:

- source reduction, recycling, and composting programs the City will implement (existing programs it will modify and/or new programs it will implement);
- the date when 50% will be achieved;
- funding necessary for new and/or expanded programs.

Based on previous waste characterization studies, it is anticipated that aggressive implementation of the Correction Plan will enable the City of Fresno to reach the 50% requirement by December 2005.

**Source Reduction Recycling Element**

The City's plan for complying with AB939 was originally submitted in the Source Reduction and Recycling Element (SRRE). The SRRE was adopted by the City Council, the County Board of Supervisors and the California Integrated Waste Management Board (CIWMB) in April 1993. In the SRRE, the City committed to implement specified diversion programs to comply with AB939.

Based on direction from the Integrated Waste Management Board the City, County and the fourteen other jurisdictions will meet in the next few months to review, revise and update the SRRE. Recommendations will be presented to both the City Council and the Board of Supervisors in the coming months.

**Senate Bill 1066**

SB1066, enacted in 1997, requires cities, counties and other jurisdictions to report their progress in meeting the 50% requirement and provides the opportunity to request a Time Extension (TE). The TE allows communities two time extensions, totaling five years. The program(s) adopted by Council and approved by the CIWMB will be used for program enhancement, development, implementation and expansion.

The City of Fresno submitted its Annual Report for the year 2002, and the diversion rate reported to the CIWMB is 29%. However, staff anticipates that the implementation of the first corrective plan and the implementation of the second corrective plan and other enhancements to the program will increase the current diversion rate to approximately 50%.

**Waste Stream**

In the Waste Generation Study, prepared by engineering consultants, Brown, Vence & Associates, it was identified that the City of Fresno collects the majority of residential and commercial waste in the City. Several private hauling companies collect commercial waste, and some individuals haul their own residential waste to the landfill. Therefore, the City of Fresno has control of only 70% of the total waste stream. However, the AB939 regulation makes no allowances or adjustments for the fact that the City does not control all waste generated within its city limits, and holds the City accountable for the diversion of all waste, including the 30% controlled by private haulers.

**REPORT TO THE CITY COUNCIL**  
November 9, 2004  
Page 3

Upcoming Challenges

- **Commercial Privatization.** The City is in the process of issuing an RFP for the privatization and franchising of the commercial sector of the business.
- Currently, the City controls only an estimated 70% of its waste stream with private independent haulers collecting the rest. The City has historically had difficulty identifying what these tons are and how best to manage them.
- There has been considerable community resistance to recycling and that overcoming this resistance has taken time and education.
- Additional time is needed for the programs to be fully implemented and the success of the programs realized.

2<sup>nd</sup> SB1066 Time Extension Correction Plan

- **Commercial Recycling Sales Program**  
The City will continue providing waste audits to commercial businesses and multi-family units presenting recycling proposals.
- **Marketing of Programs**  
The City will develop a media campaign to promote recycling in the business community and continue our school and public education programs.
- **Construction & Demolition Recycling Program**  
The City will adopt an ordinance requiring a minimum 85% diversion from construction and demolition sites.
- **Solid Waste Generation Study**  
The City will perform a study to determine waste composition and identify waste streams for diversion tracking.

The fact that the City does not control an estimated 30% of the waste stream (or an estimated 62% if the commercial sector becomes franchised) was taken into account in the development of the Correction Plan. To ensure that recyclable material is captured from this waste stream, the Correction Plan has incorporated some programs to address a portion of the waste stream attributed to, but not controlled by, the City.

**FISCAL IMPACT OF RECOMMENDATIONS**

Failure to approve a Correction Plan and submit an AB939 Time Extension Request may result in fines of \$10,000 a day.

Board Meeting  
May 11, 2005

Agenda Item 18  
Attachment 6

**REPORT TO THE CITY COUNCIL**  
**November 9, 2004**  
**Page 4**

Attachment: Exhibit A – 2<sup>nd</sup> SB1066 Correction Plan